

Senate Judicial Committee

February 13, 2009

Mr. Chairman, members of the committee:

I am pleased for the opportunity to stand here in support of SB 327. These types of bills have been ratified in the majority of the states in this country. Every time these bills come up, the opposition has given the same misleading tactics you will probably hear today.

The opponents will no doubt give the following arguments: that Senate Bill 327 will recriminalize abortion by giving legal status to the unborn and criminalize the actions of pregnant women such as drug abusers perceived to indulge in behaviors that could harm their unborn children.

Note that the bill title mentions the mothers to be AND injury or death to the unborn child. Drafters of this bill were careful to inoculate this legislation against the abortion question and cases of harm caused by the pregnant woman herself. As section 7 of the bill states, prosecution for death or injury to that unborn child does NOT include lawful medical procedures which would include abortion, or acts of any woman with respect to her unborn child.

Clearly, the drafters designed this bill to NOT recriminalize abortion or give legal recognition to the unborn child. Those are separate issues that would need to be addressed in separate bills.

You may hear from the opposition to Senate Bill 327 protests about the use of the words child and unborn child in this bill. The opposition may say that the word child and unborn child confer personhood to the embryo or fetus. This is false. The expressions unborn child or unborn children already appear eight times in the Montana criminal code.

If passed, Senate Bill 327 would allow criminal charges in the very limited circumstances when a pregnant woman is the victim of a crime. A perpetrator can attack a pregnant woman, kill her treasured unborn child, and have no charges for it, as if the child never existed. Pregnant women, their families, and all reasonable people know that there are two victims when pregnant women are harmed by violence. Both victims should be protected by law. Senate Bill 327 is about upholding the choice of a pregnant woman to carry and give birth to her child. No one has a right to take that from her.